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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,498	08/28/2003	Angelo J. Suiitor	58811US002	6967

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EXAMINER

EDWARDS, LAURA ESTELLE

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/650,498

Applicant(s)

SUITOR ET AL.

Examiner

Laura Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 9-16 and 25-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,5,7,17 and 21-23 is/are rejected.
- 7) ☒ Claim(s) 2-4,6,8,18-20 and 24 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>072704</u> . | 6) <input type="checkbox"/> Other: ____ |

Election/Restrictions

The following restriction requirement has been amended to include the examination of two originally separated groups (including deformable containers and collapsible supply containers) as one.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-8 and 17-24, drawn to a first coating apparatus including deformable and collapsible supply containers, classified in class 118, subclass 429.
- II. Claims 9-16, drawn to a second coating apparatus including a supply container being reducible in volume, classified in class 118, subclass 400.
- III. Claims 25-38, drawn to a third coating apparatus/kit including a supply container being hermetically sealed, classified in class 118, subclass 407.

The inventions are distinct, each from the other because of the following reasons:

The invention of Group I is deemed an independent and distinct invention of that of Group II because the invention of Group I includes a coating apparatus including a deformable or a collapsible supply container while the invention of Group II is to a coating apparatus including a supply container that is reducible in volume. The coating apparatus of Group II can be used with a bellows or diaphragm type fluid supply container that is neither collapsible or deformable.

The invention of Group III is deemed an independent and distinct invention of that of Group I because the invention of Group III is to a coating apparatus including a hermetically sealed supply container while the invention of Group I is to a coating apparatus including a

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deformable or a collapsible supply container. The coating apparatus of Group III can be used in instances where sterile conditions are required or hazardous materials are supplied to the workpiece being treated while the apparatus of Group I does not have such a specialized supply container.

The invention of Group III is deemed an independent and distinct invention of that of Group II because the invention of Group III is to a coating apparatus including a hermetically sealed supply container while the invention of Group II is to a coating apparatus including a supply container that is reducible in volume. The coating apparatus of Group III requires a specialized container that can be used in instances where sterile conditions are required or hazardous materials are supplied to the workpiece being treated while the coating apparatus of Group II does not require such a specialized supply container.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Kokko on 11/29/04 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-8. Affirmation of this election must be made by applicant in replying to this Office action. Claims 9-16 and 25-38 have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 7, 17, 21, 22, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Cranskens et al (US 3,296,951).

Cranskens et al teach an apparatus for coating a workpiece comprising a coating chamber (32) in which the workpiece is coated; a deformable or collapsible coating solution supply container (34) for supplying the coating solution to the coating chamber; and a fluid connection (35) fluidly connecting the coating chamber and the deformable coating solution supply container such that the coating solution is flowable between the coating chamber and the deformable coating solution supply container (see col. 6, lines 3-14).

Claims 1 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by de Leeuwe (US 4,646,784).

De Leeuwe teaches an apparatus for coating a workpiece comprising a coating chamber (72) in which the workpiece is coated; a deformable or collapsible coating solution supply container (100) for supplying the coating solution to the coating chamber; and a fluid connection (36, 38, 52, 72) fluidly connecting the coating chamber and the deformable coating solution supply container such that the coating solution is flowable between the coating chamber and the deformable coating solution supply container (see col. 1, lines 46- col. 2, lines 1-8).

Allowable Subject Matter

Claims 2-4, 6, 8, 18-20, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 2 would be allowable because there is no teaching or suggestion in the prior art of a coating apparatus comprising the combination of a coating chamber in which a workpiece is coated; a deformable coating solution supply container for supplying the coating solution to the coating chamber; and a fluid connection fluidly connecting the coating chamber and the deformable coating solution supply container such that the coating solution is flowable between the coating chamber and the deformable coating solution supply container wherein the supply container is constructed for deformation by manual manipulation.

Claims 3 and 4 would be allowable because there is no teaching or suggestion in the prior art of a coating apparatus comprising the combination of a coating chamber in which a

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workpiece is coated; a deformable coating solution supply container for supplying the coating solution to the coating chamber; and a fluid connection fluidly connecting the coating chamber and the deformable coating solution supply container such that the coating solution is flowable between the coating chamber and the deformable coating solution supply container wherein the deformable container is positionable to a first elevation in relation to the coating chamber that results in the coating solution flowing into the coating chamber.

Claim 6 would be allowable because there is no teaching or suggestion in the prior art of a coating apparatus comprising the combination of a coating chamber in which a workpiece is coated; a deformable coating solution supply container for supplying the coating solution to the coating chamber; a fluid connection fluidly connecting the coating chamber and the deformable coating solution supply container such that the coating solution is flowable between the coating chamber and the deformable coating solution supply container, and a mechanism that deforms the coating solution supply container to provide motive force to move the coating solution to the coating chamber and which permits the coating solution to flow back to the deformable coating supply container and the mechanism includes a holding chamber for holding the deformable coating supply container and into which fluid pressure is supplied and applied to the deformable coating supply container to force the coating solution to flow from the container to the coating chamber, and wherein the coating solution is permitted to flow from the coating chamber to the deformable coating supply container by a decrease of fluid pressure.

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Claim 8 would be allowable because there is no teaching or suggestion in the prior art of a coating apparatus comprising the combination of a coating chamber in which a workpiece is coated; a deformable coating solution supply container for supplying the coating solution to the coating chamber; a fluid connection fluidly connecting the coating chamber and the deformable coating solution supply container such that the coating solution is flowable between the coating chamber and the deformable coating solution supply container, and a valving mechanism that cooperates with the fluid connection to regulate flow from the coating chamber to the coating supply container.

Claim 18 would be allowable because there is no teaching or suggestion in the prior art of a coating apparatus comprising the combination a coating chamber in which a workpiece is coated; a collapsible coating solution supply container for supplying the coating solution to the coating chamber; and a fluid connection fluidly connecting the coating chamber and the collapsible coating solution supply bag such that the coating solution is flowable between the coating chamber and the collapsible coating solution supply bag wherein the collapsible coating solution supply bag is constructed for deformation by manual manipulation.

Claims 19 and 20 would be allowable because there is no teaching or suggestion in the prior art of a coating apparatus comprising the combination a coating chamber in which a workpiece is coated; a collapsible coating solution supply container for supplying the coating solution to the coating chamber; and a fluid connection fluidly connecting the coating chamber and the collapsible coating solution supply bag such that the coating solution is flowable between

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the coating chamber and the collapsible coating solution supply bag wherein the collapsible coating solution supply container is positionable to a first elevation in relation to the coating chamber that results in the coating solution flowing to the coating chamber.

Claim 24 would be allowable because there is no teaching or suggestion in the prior art of a coating apparatus comprising the combination a coating chamber in which a workpiece is coated; a collapsible coating solution supply container for supplying the coating solution to the coating chamber; and a fluid connection fluidly connecting the coating chamber and the collapsible coating solution supply bag such that the coating solution is flowable between the coating chamber and the collapsible coating solution supply bag and further including a valving mechanism that cooperates with the fluid connection to regulate flow from the coating chamber to the collapsible supply container.

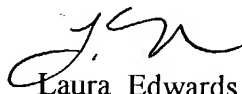
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Laura Edwards
Primary Examiner
Art Unit 1734

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December 8, 2004